

KENTUCKY TRANSPORTATION CABINET

STATEWIDE TRANSPORTATION PLANNING

Interested Parties, Public Involvement & Consultation Process

The Kentucky Transportation Cabinet (KYTC) has established procedures for the development of the Statewide Transportation Plan (STP) and the Statewide Transportation Improvement Program (STIP) as mandated by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), the Transportation Equity Act for the 21st Century (TEA-21), and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), the Congressional acts that authorized ongoing federal-aid transportation programs. In developing these procedures, the KYTC complied with 23 CFR 450.210 for “Interested Parties, Public Involvement, and Consultation” processes by providing opportunities for public review and comment at key decision points. The KYTC has established the following processes to cover both the STP and the STIP.

1. INTERESTED PARTIES

The KYTC STP and the KYTC STIP are developed with the mission to provide a safe, secure, and reliable transportation system that ensures the efficient mobility of people and goods, thereby enhancing both the quality of life and the economic vitality of the Commonwealth of Kentucky.

The entire process is developed with a spirit of cooperation by working with the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), Metropolitan Planning Organizations (MPOs), Area Development Districts (ADDs), local city and county governmental agencies, and other interested parties located throughout the Commonwealth of Kentucky.

The entire planning process and the identification of transportation needs throughout the Commonwealth, utilizes input from the KYTC Central Office Divisions, the 12 KYTC Highway District Offices, input from city mayors, county judges, MPOs, ADDs, state legislators, and through written comments and requests from:

- citizens,
- affected public agencies,
- representatives of public transportation employees,
- freight shippers,
- private providers of transportation,
- representatives of the disabled,
- representatives of users of pedestrian walkways and bicycle transportation facilities,
- representatives of freight transportation services,
- and other interested parties.

Individual projects or needed corridor improvements are identified and may be assigned relative priorities and rankings by local officials, ADDs, and MPOs. Relative priorities and rankings may then be applied by Highway District Office and Central Office staff to needs district-wide and statewide, respectively. Those projects that rank consistently high at the local, regional, highway district, and statewide levels, and meet other data-driven selection

criteria, may be recommended for inclusion in the SYP from which the STIP is developed. This process is repeated every two years to ensure that the KYTC keeps the transportation needs current and properly prioritized. This biennial update process assures a continuing and proactive planning process.

2. PUBLIC INVOLVEMENT PROCESS

The KYTC is working in concert with the ADDs and MPOs to ensure that public involvement processes are utilized that provide opportunities for public review and comments at key decision points.

2.1. ADDs PUBLIC INVOLVEMENT PROCESS

The ADD public involvement is centered on the following major points.

Supplemental to the Cabinet's public involvement efforts are the public involvement procedures utilized by the ADDs. Each ADD documents their process and those documents may be available on the World Wide Web as well as being available upon request.

In addition, a "transportation committee" for the area has been established. The membership of this committee includes a diverse group of interests that impact or are impacted by the transportation system. These committees are charged with setting goals and objectives for the regional transportation system; evaluating the transportation systems; identifying needs; and evaluating, prioritizing, and ranking transportation needs every two years as input to Kentucky's transportation project selection process. Efforts are made in establishing these committees to identify and involve the underserved populations, (such as low-income and minority households), to ensure that their needs are considered.

ADD Transportation Committee meetings are held several times each year to continually evaluate the regional transportation system and to educate committee members about the statewide transportation planning process and current transportation issues and projects.

The ADDs may attend public meetings and various civic meetings to discuss the statewide transportation planning process and to solicit direct input from interested individuals or groups at key decision points as required.

Minutes of committee meetings and public meetings are maintained. These minutes are available upon request and may be posted on the Internet. The process is periodically reviewed to determine its effectiveness. Revisions are made as deemed appropriate.

Each ADD incorporates members with a specific interest in highway safety on their transportation committees to ensure that safety-conscious planning is continually incorporated into the transportation planning process. The ADD Safety Planner also works in conjunction with the KYTC to implement Kentucky's Highway Safety Program through the collection of data, involvement on safety task teams, and development of safety education programs.

2.2. MPO PUBLIC INVOLVEMENT PROCESS

The MPO public involvement process is centered on the following major points.

Supplemental to the Cabinet's public involvement efforts is the public involvement procedures utilized by the MPOs in the development of their respective Long Range Transportation Plans (LRTPs) and their Transportation Improvement Programs (TIPs). All activity pursuant to development of the MPOs TIPs is considered part of the STIP and complies with 23 CFR 450.324 "Development and Content of the Transportation Improvement Program (TIP)." Each MPO documents their process and those documents are available on the World Wide Web as well as being available upon request.

MPO meetings are held several times each year to continually evaluate the metropolitan transportation system and to educate committee members about the metropolitan transportation planning process and current transportation projects and issues. The MPO may attend various civic meetings to discuss the metropolitan planning process and to solicit direct input from interested individuals and groups. Minutes of committee meetings are maintained, are available upon request, and may be posted on the World Wide Web. The process is periodically reviewed to determine its effectiveness. Revisions are made as deemed appropriate.

2.3. KYTC PUBLIC INVOLVEMENT PROCESS

The KYTC public involvement process is centered on the following major points.

In carrying out the statewide transportation planning process, including development of the STP and the STIP, the KYTC has developed a public involvement process that provides opportunities for public review and comment at key decision points.

Through assistance from the ADDs and MPOs, the KYTC will pursue appropriate measures to reach the general public including those traditionally underserved within the state. The ADDs, MPOs, and the KYTC may hold public meetings in places where these populations are comfortable gathering. As citizen concentrations are identified, the KYTC will include a process for seeking out and considering the needs of those traditionally underserved. The notices for public review and comments may be advertised within statewide, significant regional, and demographically targeted newspapers as appropriate.

The notices for public review and comments may be advertised within statewide newspapers including the:

- Louisville Courier-Journal,
- Lexington-Herald Leader,
- Kentucky Post, and others as appropriate.

In addition, to reach minority or underserved populations within the state, notices may be published in the:

- Louisville Defender,
- La Voz de Kentucky-Lexington,
- Al Día en America-Louisville,
- La Jornada Latina-Cincinnati, and others as appropriate.

These newspaper advertisements will specify the number of calendar days for the public review and comment period, will identify an individual to whom comments can be sent, and will inform the public of the appropriate Web site address. The KYTC will consider other accommodations upon request as required.

The number of calendar days for public review and comment periods is based upon the following schedules:

- Interested Parties, Public Involvement & Consultation Process Document 45 calendar days
- New STP or STIP 30 calendar days
- Amendments to STP or STIP 15 calendar days
- Administrative Modifications to STP or STIP Not Required

2.3.1. KYTC Interested Parties, Public Involvement & Consultation Process Document

The KYTC continuously evaluates ways of reshaping current public involvement procedures to comply with 23 U.S.C., 450.210 “Interested Parties, Public Involvement, and Consultation” processes. As the STIP is updated every two years, the effectiveness of the public involvement process will be reviewed and revised as appropriate. The KYTC will allow a minimum of 45 calendar days for public review and written comments before revisions to the public involvement process are adopted.

2.3.2. New STP or STIP

The formal STP document will cover a minimum 20-year planning horizon, and periodically the KYTC will evaluate, revise, and update the STP as appropriate. The MPOs Long Range Plans will be incorporated into the STP by reference. The formal STIP document will be prepared on a biennial basis (every two years) to coincide with state legislative approval of the biennial update of the Transportation Cabinet’s Six-Year Highway Plan (SYP) and will cover no less than four years and will be updated at least once every four years. The MPOs TIPs will be incorporated into the STIP by references to their specific federally-required documents.

To ensure that the public has ample opportunity to review and comment on the STP and STIP documents, the KYTC will allow a minimum of 30 calendar days for public review and written comments for each proposed new STP and each proposed new STIP. Notice of the 30-day public review and comment period will be advertised in statewide, significant regional, and demographically targeted newspapers throughout the Commonwealth of Kentucky through assistance from the ADDs and MPOs as appropriate.

The Draft STP and Draft STIP will be publicly displayed in the KYTC Central Office, each of the 12 Highway District Offices, each of the 15 ADD offices, and each of the 9 regional MPO offices. The documents will also be available to transit providers, the FTA, the USDA Forest Service, the FHWA Eastern Federal Lands Highway Division, and other federal, regional, and state agencies responsible for land use management, natural resources, environmental protection, conservation, historic preservation, and any individuals who ask to be included on an official mailing list maintained by the KYTC will be notified of the availability of the draft documents as appropriate.

The Draft STP or Draft STIP document will be posted to the KYTC Web site. An electronically accessible format of the Draft STP and Draft STIP will be available to search

and print as appropriate. In addition, an electronic process will be established for those reviewing the Draft STP and Draft STIP to submit electronically their comments and questions to the KYTC.

In reviewing a Draft STP or Draft STIP, the KYTC may involve various interagency groups that represent environmental, traffic, ridesharing, parking, transportation safety and enforcement, airports, port authorities, toll authorities, and appropriate private transportation provider concerns. The KYTC will also involve city officials as appropriate, as well as local, state, and federal environmental resources and permit agencies. In each case, the reviewing entity will be expected to provide comments within the specified review period. As noted in Section 1- Interested Parties, the various state, federal and local agencies are involved in the development process of the STP and STIP at key decision points throughout the entire process.

Letters announcing the availability of the Draft STP or Draft STIP document will be sent to each county judge/executive and to the mayors of all communities over 5,000 population. Public outreach will be considered in those instances where the complexity of the STIP and STP or magnitude of public response indicates to the KYTC the need for additional public information.

Review of the Draft STP and Draft STIP may consist of public meetings, notices to neighborhood associations, legal notices in local newspapers, or any additional efforts that will significantly enhance the public's understanding of the planning-level recommendations being presented by the STP or STIP document. The number, time, and location of any public meetings will be tailored to fit the circumstance being addressed. If such public outreach is deemed necessary, the Draft STP or Draft STIP comment period may be extended to allow adequate time for receipt of post-meeting comments. Wherever possible, ADD and MPO public involvement processes will be coordinated with the statewide process to enhance public consideration of the issues, plans, and programs and to reduce redundancies and costs. As noted in Section 1- Interested Parties, the various state, federal, and local agencies are involved in the development process of the STP and STIP at key decision points throughout the entire process.

For the STP, the following apply:

After the initial 30-day public review and comment period, the KYTC will aggregate comments, prepare responses, and finalize the STP document. Copies of the final edition of the STP document will be made available to both the FHWA and the FTA. The final STP document will be posted on the KYTC Web site.

For the STIP, the following apply:

After the initial 30-day public review and comment period, the KYTC will aggregate comments, prepare responses, and finalize the STIP document. Copies of the final edition of the STIP document will be made available to both the FHWA and the FTA for review and comment. When the FHWA/FTA comments have been addressed, the final STIP document will be prepared including a copy of the joint approval letter from FHWA and FTA. Copies of the final STIP will be prepared and copies will be available for public information and distribution. Copies of the document will be made available to transit providers, the FTA, the USDA Forest Service, the FHWA Eastern Federal Lands Highway

Division, and other federal, regional, and state agencies responsible for land use management, natural resources, environmental protection, conservation, historic preservation, and to any individuals who ask to be included on an official mailing list maintained by the KYTC. Also, the final STIP approved document will be posted on the KYTC Web site.

2.3.3. Revisions to the STP or STIP

On various occasions revisions may be required to the STP or STIP. Revisions to a STP or STIP may involve a minor revision or may involve a major revision to a project included in a STIP. On a case by case basis, KYTC and FHWA/FTA determines whether the revision is minor or major as per definition of “Administration Modification” and the definition of “Amendment” outlined in 23 CFR 450.104. In addition, KYTC and FHWA/FTA will utilize the applicable requirements and classifications of projects outlined in 23 CFR 771.117 (c) and (d) and/or 40 CFR part 93.126 “Exempt Projects” and 93.127 “Projects Exempt from Regional Emissions Analysis” to determine the designated type of STIP revision.

2.3.4. Administrative Modifications to STIP

Administration modifications are minor revisions to the STIP that include minor changes to:

- projects/project phase costs,
- funding sources of previously included projects,
- project phase initiation dates, and
- projects with types of work as outlined in 23 CFR 771.117 (c) and (d) and/or 40 CFR part 93.126 “Exempt Projects” and 93.127 “Projects Exempt from Regional Emissions Analysis.”

An administrative modification is a revision that does not require:

- public review and comment,
- redemonstration of fiscal constraint, or
- a conformity determination (in air quality conformity nonattainment and maintenance areas).

For administrative modifications to the STIP, the official STIP mailing list will be utilized to distribute information pertaining to the revision. In addition, as STIP administrative modifications are made, each administrative modification will be posted on the KYTC Web site. Each of these documents will be provided in an electronically accessible format with the means to search and print as appropriate.

2.3.5. Amendments to the STIP

Amendments are revisions to the STIP that include major changes to a project included in the STIP. This includes a major change in:

- project cost,
- project/project phase initiation dates,
- design concept or design scope (e.g., changing project termini or the number of through traffic lanes), or
- the addition or deletion of projects, except those types of projects as outlined in 23 CFR 771.117 (c) and (d) and/or 40 CFR part 93.126 “Exempt Projects” and 93.127 “Projects Exempt from Regional Emissions Analysis.”

An amendment is a revision that requires:

- public review and comment,
- redemonstration of fiscal constraint, or
- a conformity determination (in air quality nonattainment and maintenance areas).

For STIP amendments that have not undergone public involvement through the MPO process or the Six-Year Plan process, a 15-day public review period will be provided and public notice advertisements will be placed in statewide, significant regional, and demographically targeted newspapers. Selected newspapers will be identified through assistance from the corresponding ADDs and MPOs. In addition, other possible public outreach efforts targeted to the specific region of the state directly affected by the proposed STIP amendment may be required and will be determined on a case-by-case basis.

The proposed amendment will be displayed at the KYTC Central Office as well as the appropriate Highway District, ADD, and MPO offices for public review and comment. At the conclusion of the 15-day review period, public comments will be addressed, additional public outreach may be conducted as necessary, and the final STIP amendment will be provided to FHWA and FTA for approval. For amendments to the STIP from areas within MPO boundaries, the public involvement process conducted for the respective MPO TIP will suffice as the required public involvement for the STIP.

In addition as STIP amendments are approved, each amendment will be posted on the KYTC Web site. Each of these documents will be provided in an electronically accessible format with the means to search and print as appropriate.

3. CONSULTATION PROCESS

To achieve these goals, the STP and STIP are developed as appropriate in consultation with state and local agencies responsible for:

- land use management,
- natural resources,
- environmental protection,
- conservation, and
- historic preservation.

This consultation involves comparison of transportation plans to state conservation plans or maps, if available, and comparison of transportation plans to inventories of natural or historic resources, if available.

The KYTC has established guidelines in place for ADDs, MPOs, local city and county elected officials, and other interested parties located throughout the Commonwealth of Kentucky to identify and recommend new projects. The KYTC maintains an “Unscheduled Projects List (UPL),” and these projects may include highway, bikeway, pedway, intermodal access, and intelligent transportation system (ITS) projects. Safety projects, bridge projects, other operations and maintenance projects may be noted as such and referred to the KYTC District Office. Each suggested project will be checked against the current STIP, SYP, and UPL list to make sure that the project is not already identified.

As projects are being identified, all project requests should include the following information to be considered as a UPL project:

- route number or “new route,”
- a thorough description of the project and location (including road or street names, if applicable),
- the beginning and ending termini,
- milepoints, using HIS Route Log (accessible on the Internet) for state-maintained roads,
- length of project to the nearest tenth of a mile,
- any existing data concerning the condition, safety, or capacity of the roadway,
- a clear problem statement for the project,
- any other information available to describe the purpose, need, and/or justification for this project,
- cost estimates to be prepared by the Highway District Offices, unless otherwise available, and
- provide a problem statement that describes the need for the project in terms that can be verified by data analysis or from professional studies.

The KYTC receives numerous requests each year from the 12 KYTC Highway District Offices, input from city mayors, county judges, MPOs, ADDs, state legislators, and through written comments and requests from the general public and concerned citizens. The requests are considered on a case-by-case basis, and each requestor may be provided with written correspondence explaining what can be done at the current time and recommendations for future actions. These requests are assembled within an electronic SYP Issues database file along with maintaining hard copies of project requests and corresponding project information.

As required by the Kentucky Revised Statutes, Chapter 176, the KYTC submits the recommended SYP to the Kentucky General Assembly in February of even-number years for their review and approval. As per KRS, the General Assembly by law has the authority to make revisions, additions, and deletions of highway projects, along with having the responsibility of voting on and approving a SYP by the middle of April of even-number years. In addition, as per KRS the approved SYP serves as a supplement to the Commonwealth’s Executive Branch Biennial Budget. Thus, the entire SYP process is repeated every two years.

Upon completion of the approved SYP, the final stages of preparing the new STIP begins. Around the first of May in even-number years, the process to prepare the Draft STIP begins. Once the entire process of having the 30-day public review and comment period as well as the review and approval of the Draft STIP and final STIP by FHWA and FTA is completed, the final approved STIP document is printed and distributed in September of even-number years.

The process of preparing the STIP information, in conjunction with preparing the SYP, begins in the winter of odd-number years and continues through the approval of the STIP by October 1st of even-number years.

As required by 23 CFR 450.216 (e), Federal Lands Highway Program TIPs shall be included without change in the STIP, directly or by reference, once approved by the FHWA.

Thus, the listing of highway improvement projects in the STIP consists of projects that have gone through an extensive identification process and where the public has been provided the opportunity to comment at various key decision points. In addition, the general public and concerned citizens have the opportunity to contact their legislators prior to the approval of the SYP by the Kentucky's General Assembly.

3.1 DETERMINATION OF CONSULTATION EFFECTIVENESS

In accordance with 23 CFR 450.210, at least every 5 years the KYTC will review and solicit comments from non-metropolitan local officials and other interested parties for a period of not less than 60 calendar days regarding the effectiveness of the KYTC consultation process and any proposed changes. In addition, the KYTC will send specific requests for comments to the Kentucky Association of Counties, Kentucky League of Cities, regional planning agencies, or directly to non-metropolitan local officials as to the effectiveness of the KYTC consultation process and any proposed changes.

Upon receiving the comments and proposed changes, the KYTC will review the comments and proposed changes, and at its discretion, determine whether to adopt any of the proposed changes. If a proposed change is not adopted, the KYTC will make publicly available its reasons for not accepting the proposed change, including notification to non-metropolitan local officials or associations. If the KYTC elects to revise their current public involvement process to include any of the proposed changes, a 45-day public review and comment period will be conducted, prior to officially adopting the proposed changes to the public involvement process.

4. CONTACT INFORMATION

Any individual, agency, or organization may provide written comments to:

Marc D. Williams, P.E.
Commissioner
Department of Highways
Transportation Cabinet Office Building, 6th Floor
200 Mero Street
Frankfort, Kentucky 40622
Phone (502) 564-3730